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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,139	08/21/2003	Mark Albert	062891.1142	7140

5073 7590 06/15/2009
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

NOTIFICATION DATE	DELIVERY MODE
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06/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK ALBERT,
ROBERT M. BATZ,
RICHARD L. GRAY,
LOUIS F. MENDITTO,
MICHAEL S. SUTTON,
TZU-MING TSANG
AND PRANAV K. TIWARI

Application No. 10/645,139
Technology Center 3600

Mailed: June 15, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 20, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

AMENDMENT AFTER FINAL

A review of the file indicates that on July 3, 2006, Appellants filed an Amendment After Final in response to the Final Rejection mailed May 2, 2006. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action mailed August 4, 2006 fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) dated April 13, 2009. There is no indication on the record that the Examiner has considered the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above Information Disclosure Statement is required.

Accordingly, it is ORDERED that the application be returned to the Examiner to:

- (1) appropriately respond to the Amendment After Final;
- (2) vacate the Examiner's Answer mailed September 20, 2007;
- (3) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required;

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- (4) consider the Information Disclosure Statement filed April 13, 2009; and
- (5) for such further action as may be appropriate.

If there any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

cc: BAKER, BOTTS L.L.P.
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